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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,569	11/12/2003	Iqbal Ahmed	5003073-034US1	6659
29737	7590	01/03/2006	EXAMINER	
SMITH MOORE LLP			LEE, RIP A	
P.O. BOX 21927			ART UNIT	
GREENSBORO, NC 27420			PAPER NUMBER	
			1713	
DATE MAILED: 01/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,569

Applicant(s)

AHMED ET AL.

Examiner

Rip A. Lee

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 31, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action follows a response filed on October 31, 2005. Claims 2 and 20-28 were canceled. Claims 1 and 3-19 are pending.

Claim Rejections - 35 USC § 102 / 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cook et al. (U.S. 6,562,743) for the same reasons set forth in the previous office action.

Briefly, Cook *et al.* teaches a process of improving core permeability of superabsorbent particles by coating the surface of said particles with polyvalent ion salts (col. 10, lines 20-25) A such as those containing calcium, aluminum, and iron (col. 4, lines 57-61), halides and sulfates (col. 5, line 1). Aluminum chloride and aluminum sulfate are preferred (col. 5, line 37). The reference is silent with respect to the water absorption/retention properties recited in claims 1 and 4-9, but the burden of proof was shifted to the Applicants to establish an unobviousness difference as per *In re Fitzgerald*, 619 F.2d. 67, 205 USPQ 594 (CCPA 1980).

3. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook *et al.* in view of Phan *et al.* (U.S. 5,338,766) for the same reasons set forth in the previous office action. One having ordinary skill in the art would have found it obvious to coat the superabsorbent particles of Phan *et al.* with polyvalent ion salts as described in Cooke *et al.* and thereby arrive at the subject matter of the instant claims. The combination is obvious because Phan *et al.* discloses a species of superabsorbent polymer, and the invention of Cooke *et al.* is applicable to generic superabsorbent polymer. As such, the skilled artisan would have expected all species within the genus of superabsorbent polymer to produce a useful product having improved core permeability

Response to Arguments

4. The rejection of claims under 35 U.S.C. 102(e) as being anticipated by Sun *et al.* (U.S. 6,514,615) has been overcome by amendment.

5. Applicants traverse the rejection of claims over Cooke *et al.* Applicant's arguments filed have been considered fully, but they are not persuasive. Applicants submit that the prior art teaches coating of fiber with polyvalent ion, and not coating of superabsorbent particles (SAP). The invention also provides for methods of treating/coating SAP (see abstract), and this is expressly shown in col. 10, lines 20-25. Such coating process results in improved core permeability of the SAP. It is also noted that when an absorbent core made with SAP and fibers treated with polyvalent metal ion is exposed to liquid, the polyvalent metal ion is released from the fibers and contacts the surface of the SAP. In such instances, the SAP would be coated with polyvalent metal ion. Finally, applicants have not met their burden of proof in establishing unobvious differences between the material of the prior art and that of the instant invention. In view of this and previous discussions, the rejection of record has not been withdrawn.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ral

December 27, 2005


DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 1700